

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
AUGUST 12, 2014**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Revised Annual Meeting Notice of December 31, 2013 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies	
Council President	Sean Kaplan	
	Kevin Dotey	
	Stephen Greco	
	Patricia Jenkins	Absent
	Bob Schueler	
	Michele Tackach	

Attorney: Aravind Aithal

Mayor Dobies added the following items to the Agenda for the meeting tonight: Resolution #214-14 Appointing a Fire Sub-code and Fire HHS Inspector, Resolution #216-14 Appointing Acting Construction Official, and Resolution #217-14 Appointing a Resale Certificate Inspector. Mayor Dobies also added to the Executive Session discussion on terms and conditions regarding an acting sub-code official. Action may be taken on all these items tonight.

Mayor Dobies also removed Resolution #205-14 awarding the bid for the upgrades to the Middlesex Community Pool. The pool manager asked that it be sent back to the pool commission for further review.

PROCLAMATIONS-NONE

APPOINTMENTS

RESOLUTION #197-14

WHEREAS, Emmanuel Malasig has successfully completed the psychological and medical examination required for the position of a Probationary Patrolman in the Borough of Middlesex; and

WHEREAS, Chief Young is recommending that Emmanuel Malasig be appointed to the position of Probationary Patrolman effective August 13, 2014 at an annual salary of \$49,346.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. Emmanuel Malasig is hereby appointed a Probationary Patrolman for the Borough of Middlesex effective August 13, 2014 at an annual salary of \$49,346.00.
2. This resolution shall take effect immediately.

Chief Young welcomed Patrolman Malasig and his family to the Middlesex Borough Police Department. Chief Young thanked the Council for the support that they've given him and the entire department throughout the hiring process.

Mayor Dobies accepted the resignation of Bob Ferris from the Shade Tree Commission.

PRESENTATIONS - NONE

PUBLIC HEARING

The Borough Clerk read Ordinance No. 1854-14 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1854-14

AN ORDINANCE TO AMEND CHAPTER 301 PARKS AND RECREATION AREAS, SECTION 301-14 REGULATIONS AND FEES FOR USE OF THE PARK, SECTION 301-14(C), 301-14(D) AND 301-14(E) IN THE CODE OF THE BOROUGH OF MIDDLESEX

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

Chapter 301-14C. The following fee schedule shall apply to use of Mountain View Park for Middlesex Borough nonsponsored recreational or governing body sanctioned recreational activities:

- (1) Residents:
 - (a) Teams 18 years old and under: \$10/per 2-hour block
 - (b) Teams 18 years old and over: \$20/per 2-hour block
 - (c) Seasonal pass five or more dates (must present dates requested and insurance certificate): \$100. Seasons are March – May, June – August, September – November of each year.
*Resident teams are equivalent to 51% or more Borough residents.

- (2) Nonresidents

- (a) Teams 18 years old and under: \$20/per 2-hour block
 - (b) Teams 18 years old and over: \$40/per 2-hour block
 - (c) Seasonal pass five or more dates (must present dates requested and insurance certificate): \$200. Seasons are March – May, June – August, September – November of each year.
 - (d)
 - (3) Light permit for high school fields for baseball teams or softball teams: \$15 per day
 - (4) Courts for basketball teams and tennis teams \$5 per 2-hour block.
 - (5) Flying field – seasonal permits only:
 - (a) Resident: \$15
 - (b) Nonresident: \$30

- D. Permits are always required for use of the picnic areas for groups of 10 or more people. Permits must be made 15 business days in advance.

- E. The following fee schedule shall apply for the usage of picnic areas:
 - (1) Residents
 - (a) Groups of 10 to 25: \$20
 - (b) Group of 26 to 50: \$40. Park Maintenance Fee \$90
 - (c) Group of 51 to 100: \$80. Park Maintenance Fee \$180
 - (d) Group of 101 to 200: \$100. Park Maintenance Fee \$180
 - (e) Group of 201 to 300 plus: \$200. Park Maintenance Fee to be determined.
 - (2) Nonresidents:
 - (a) Group of up to 25: \$40
 - (b) Group of 26 to 50: \$80. Park Maintenance Fee \$90
 - (c) Group of 51 to 100: \$160. Park Maintenance Fee \$180
 - (d) Group of 101 to 200: \$200. Park Maintenance Fee \$180
 - (e) Group of 201 to 300 plus: \$400. Park Maintenance Fee to be determined.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body does hereby amend Chapter 301, Section 301-14(C), 301-14(D) and 301-14(E) as stated above.

2. This Ordinance shall take effect immediately upon final passage and publication according to law.

Mayor Dobies opened the Public Hearing on Ordinance No. 1854-14. Seeing that there was no public participation, Mayor Dobies closed the Public Hearing on Ordinance No. 1854-14.

Councilman Greco made a motion for adoption seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

NEW BUSINESS

The Borough Clerk ready Ordinance No. 1855-14 for introduction.

ORDINANCE NO. 1855-14

A LOAN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LOAN AND SECURITY AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE UNDERTAKING OF VARIOUS 2014 CAPITAL IMPROVEMENTS AND THE ACQUISITION AND INSTALLATION, AS APPLICABLE, OF VARIOUS EQUIPMENT WITH AN ESTIMATED COST OF \$1,000,000, THE COST OF SUCH IMPROVEMENTS AND EQUIPMENT TO BE FINANCED THROUGH THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE BONDS, SERIES 2014 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY

WHEREAS, the Middlesex County Improvement Authority (the "Authority") is authorized to issue its bonds pursuant to the provisions of the County Improvement Authorities Law, chapter 183 of the Laws of New Jersey of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "County Improvement Authorities Law"), and other applicable provisions of law; and

WHEREAS, the Authority has determined to issue its revenue bonds for the purpose of financing the various capital improvements to be undertaken by and the acquisition, installation and, as applicable, subsequent leasing of certain capital equipment, including but not limited to police and passenger vehicles, to various governmental entities within the County of Middlesex, State of New Jersey (the "County"), including the County and the Authority (the "2014 Program"); and

WHEREAS, the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Municipality") has determined to participate in the 2014 Program and to finance various capital improvements and acquire and install certain capital equipment through the Authority; and

WHEREAS, there has been prepared and submitted to the Municipality the form of the Loan and Security Agreement (the "Loan Agreement"), to be entered into by and between the Authority and the Municipality, which Loan Agreement has been approved by the Authority and which is attached hereto as Exhibit A, providing for the financing of various capital improvements and the acquisition and installation of certain capital equipment through the Authority, which improvements and items of equipment are described in Exhibit B attached hereto and incorporated by this reference herein. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Loan Agreement.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. (a) The various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached to this loan ordinance and by this reference made a part hereof are hereby authorized as general capital improvements or purposes to be undertaken by the Municipality. For financing such improvements, purposes or loan, there is hereby appropriated the not to exceed sum of \$1,015,000.

(b) For the financing of the general capital improvements, purposes or loan and to provide monies to fund the not to exceed \$1,015,000 appropriation, a loan from the Authority to the Municipality is hereby authorized in a not to exceed amount of \$1,015,000

pursuant to the County Improvement Authorities Law and the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law").

(c) The general capital improvements hereby authorized and the purposes for which the above-described loan is authorized are the various capital improvements to be undertaken and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached hereto.

(d) The estimated maximum amount of the loan for the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality described in Exhibit B attached hereto is \$1,015,000.

(e) The estimated cost of said general capital improvements or purposes is \$1,000,000, with a not to exceed amount of \$1,015,000, which not to exceed amount includes all costs of issuance and items of expense listed in and permitted under section 20 of the Local Bond Law.

Section 2. Pursuant to the County Improvement Authorities Law and N.J.S.A. 40:23-1 et seq., the Municipality is hereby authorized and directed to enter into and perform the Loan Agreement, which Loan Agreement provides for various capital improvements to be undertaken and the acquisition and installation, as applicable, of certain items of equipment by

the Municipality to be financed with the proceeds of County-Guaranteed Capital Equipment and Improvement Revenue Bonds, Series 2014 (the "Bonds") to be issued by the Authority under a resolution to be adopted by the Authority entitled, "Resolution of the Middlesex County Improvement Authority Authorizing the Issuance of County-Guaranteed Capital Equipment and Improvement Revenue Bonds" (the "General Bond Resolution"). The Loan Agreement, in the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the Municipality), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Municipality and bond counsel to the Authority and the County.

Section 3. The full faith and credit of the Municipality are hereby pledged to the punctual payment of the obligations set forth in the Loan Agreement authorized by this ordinance, including without limitation, (i) all Basic Loan Payments and Loan Payments obligations of the Municipality under the Loan Agreement, including Authority Administrative Expenses and Additional Loan Payments, (ii) all amounts due and owing to the County as a result of payments made by the County on behalf of the Municipality under the Loan Agreement pursuant to the County Guarantee, including County Guarantee Costs, and (iii) all direct and indirect costs of the Authority and the County related to the enforcement of the Loan Agreement and the County Guarantee ((i), (ii) and (iii) collectively, the "Loan Payment Obligation"). The Loan Payment Obligation under the Loan Agreement shall be a direct, unlimited and general obligation of the Municipality, not subject to annual appropriation by the Municipality pursuant to the County Improvement Authorities Law, and unless paid from other sources, the Municipality shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Municipality for the payment of the Loan Payment Obligation thereunder without limitation as to rate or amount.

An Authorized Municipal Representative (as defined in the Loan Agreement) is hereby authorized and directed to execute the Loan Agreement on behalf of the Municipality in the form as attached hereto in Exhibit A, along with any of the aforesaid necessary changes, and the Clerk of the Municipality is hereby authorized to attest to such signature and affix the seal of the Municipality thereto and the Loan Agreement is authorized to be delivered to the Authority. All representatives, officials and employees of the Municipality are hereby authorized and directed to enforce and to implement provisions of the Loan Agreement.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The maximum Loan Payment Obligation for which the Municipality shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Bonds of the Authority, shall not exceed the sum necessary to (a) undertake the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality and described in Exhibit B, (b) pay interest on the Authority's Bonds allocated to the Municipality's various capital improvements and items of equipment, and (c) pay the Municipality's share of the costs of issuance, Authority Administrative Expenses,

Additional Loan Payments, County Guarantee Costs and all other amounts required to be paid by the Municipality under the Loan Agreement, as and if applicable.

(b) The Bonds shall mature no later than ten (10) years from the date of issue.

(c) The Loan Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the Municipality under the Loan Agreement have been satisfied, notwithstanding the occurrence of any other event.

(d) The various capital improvements and items of equipment described in Exhibit B attached hereto are hereby approved to be undertaken and financed through the Authority in accordance with the terms of the Loan Agreement, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

(e) The average period of usefulness of the various capital improvements and items of equipment described in Exhibit B attached hereto within the limitations of the Local Bond Law, according to the reasonable useful life thereof computed from the dated date of the loan authorized by this loan ordinance, shall not exceed ten (10) years.

(f) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Municipality and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Municipality as defined in the Local Bond Law is increased by the authorization of the loan provided for in this loan ordinance by \$1,015,000 and the said loan authorized by this loan ordinance will be within all debt limitations prescribed by the Local Bond Law.

(g) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the various capital improvements and items of equipment described in Exhibit B attached hereto.

Section 5. To the extent the Municipality is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the Municipality hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Loan Agreement. The Mayor, Clerk, Chief Financial Officer or any other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Preliminary and Final Official Statements of the Authority to the extent the information contained therein relates to the Municipality and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and

operating data of the Municipality on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 6. The Mayor, Clerk, Chief Financial Officer of the Municipality or other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Loan Agreement, the undertaking of the various capital improvements and the acquisition and installation, as applicable, of certain items of equipment by the Municipality and all related transactions contemplated by this ordinance.

Section 7. Upon the payment of all amounts referenced in Section 4(c) herein, the full faith and credit pledge of the Municipality as to its Loan Payment Obligation authorized herein shall cease to exist.

Section 8. The capital budget of the Municipality is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs is on file with the Clerk of the Municipality and is available for public inspection.

Section 9. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 10. The Municipality reasonably expects to reimburse any expenditures toward the costs of the various capital improvements and items of equipment described in Exhibit B attached to this loan ordinance and paid prior to the entering into of the loan authorized by this loan ordinance with the proceeds of such loan. This Section 10 is intended to be and hereby is a declaration of the Municipality's official intent to reimburse any expenditures toward the costs of the various capital improvements and items of equipment described in Exhibit B attached to this loan ordinance to be incurred and paid prior to entering into of the loan authorized herein all in accordance with the Internal Revenue Code of 1986, as amended (the "Code") and any regulations promulgated thereunder.

Section 11. The Clerk of the Municipality is hereby authorized and directed to cause the publication of the text of this ordinance in full after introduction and final adoption in accordance with applicable law and to arrange for the public hearing thereon and final adoption thereof.

Section 12. This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

EXHIBIT B

Middlesex County Improvement Authority
2014 Capital Equipment and Improvement Financing Program

Project List

Middlesex Borough

<u>Project</u>	<u>Quant.</u>	<u>Est. Cost</u>	<u>Useful Life</u>
<u>FIVE YEAR PROJECTS</u>			
<u>Loan</u>			
Walk Behind Mowers	2	\$12,000.00	5 Years
Seeder	1	\$11,000.00	5 Years
Double Trailer-Mowers	1	\$6,000.00	5 Years
Trailer for New Field Machine	1	\$5,000.00	5 Years
New Snow Blowers	1	\$1,500.00	5 Years
Mason Dump Truck	1	\$47,000.00	5 Years
Salt Spreader	1	\$8,000.00	5 Years
Brine Making System	1	\$29,000.00	5 Years
Generator for Small Pump Stations	1	\$75,000.00	5 Years
Sanitation Truck Lease Program	1	\$64,500.00	5 Years
Police Handguns & Holsters Replacement	1	\$20,000.00	5 Years
Police Shotguns	1	\$9,500.00	5 Years
Police CAD/RMS Systems	1	\$178,500.00	5 Years
Fire Turnout Gear	1	\$42,000.00	5 Years
Fire Power Breezer Cooling Fan Rehab	1	\$4,190.00	5 Years
Computer Data Services - Camera System	1	\$95,000.00	5 Years
Administration - Stream Cleaning	1	\$25,000.00	5 Years
Library - HVAC System Replacement	1	\$100,000.00	5 Years
Rescue Squad A/C Unit	1	<u>\$30,135.00</u>	5 Years
Subtotal		\$763,325.00	
<u>Lease</u>			
Pick-up Truck Replacement for OEM	1	\$80,000.00	5 Years
Senior Service Bus Purchase	1	<u>\$45,000.00</u>	5 Years
Subtotal		\$125,000.00	
Five Year Projects Subtotal:		\$888,325.00	
<u>TEN YEAR PROJECTS</u>			
None	0	<u>\$0.00</u>	10 Years
Ten Year Projects Subtotal:		\$0.00	
<u>FIFTEEN YEAR PROJECTS</u>			
None	0	<u>\$0.00</u>	15 Years
Fifteen Year Projects Subtotal:		\$0.00	

TWENTY YEAR PROJECTS

None

0

\$0.00 20 Years

Twenty Year Projects Subtotal:

\$0.00

Loan Total:	\$763,325.00
Lease Total:	<u>\$125,000.00</u>
Total Borrowing:	<u>\$888,325.00</u>

Council President Kaplan made a motion for introduction seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk ready Ordinance No. 1856-14 for introduction.

ORDINANCE NO. 1856-14

**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX AND
STATE OF NEW JERSEY AMENDING CHAPTER 18, COURT MUNICIPAL, SECTION 18-7
CLERK OF THE CODE OF THE BOROUGH OF MIDDLESEX**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX
THAT:**

Section 18-7 Clerk is amended to read as follows:

18-7. Court Administrator

The Court Administrator shall be appointed by the Mayor and Council to serve the Municipal Court at such salary as may be provided by ordinance pertaining to salaries.

Council President Kaplan made a motion for introduction seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk ready Ordinance No. 1857-14 for introduction.

ORDINANCE NUMBER 1857-14

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO
MARLBOROUGH AVENUE, BY AND IN THE BOROUGH OF
MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW
JERSEY; APPROPRIATING \$332,000 THEREFOR (INCLUDING
A \$300,000 GRANT FROM THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION AND A \$1,600 CASH DOWN PAYMENT
FROM AVAILABLE BOROUGH FUNDS); AND AUTHORIZING**

**THE ISSUANCE OF \$30,400 BONDS OR NOTES TO FINANCE
THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, State of New Jersey (the "Borough") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the principal amount of \$332,000 from the Borough, said sum being inclusive of (i) the sum of \$1,600 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. §40A:2-1 et seq. (the "Local Bond Law"), and (ii) the sum of \$300,000, representing an awarded grant from the New Jersey Department of Transportation (the "Grant"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$332,000 appropriation not provided for by application hereunder of said down payment and Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$30,400 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$30,400 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued, include but are not limited to, various improvements to Marlborough Avenue within the Borough.

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Borough and available for public inspection and hereby approved.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$30,400.

(d) The estimated cost of said improvement or purpose is \$332,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the aggregate amount of the \$1,600 in down payment available for said purposes and the Grant.

SECTION 4. In the event the United States of America, the State of New Jersey (other than the Grant), and/or the County of Middlesex make a contribution or grant in aid to the

Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Pool Utility of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$30,400 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under N.J.S.A. § 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$30,400. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after final adoption, and approved by the Mayor, as provided by the Local Bond Law.

Council President Kaplan made a motion for introduction seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1858-14 for introduction.

ORDINANCE NUMBER 1858-14

**AN ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
APPROVING AND AUTHORIZING THE ENTERING INTO,
EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT
WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY
RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED
CAPITAL EQUIPMENT AND IMPROVEMENT REVENUE
BONDS, SERIES 2014 OF THE MIDDLESEX COUNTY
IMPROVEMENT AUTHORITY**

WHEREAS, the Middlesex County Improvement Authority (the "Authority") is authorized to issue its bonds pursuant to the provisions of the County Improvement Authorities Law, chapter 183 of the Laws of New Jersey of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "County Improvement Authorities Law"), and other applicable provisions of law; and

WHEREAS, the Authority has determined to issue its revenue bonds for the purpose of financing the various capital improvements to be undertaken by and the acquisition, installation and, as applicable, subsequent leasing of certain capital equipment, including but not limited to police and passenger vehicles, to various municipalities located in the County of Middlesex in the State of New Jersey (the "County") including the County and the Authority (the "2014 Program"); and

WHEREAS, the Borough of Middlesex in the County of Middlesex, State of New Jersey (the "Municipality") has determined to participate in the 2014 Program and to lease certain police and/or passenger vehicles from the Authority; and

WHEREAS, there has been prepared and submitted to the Municipality the form of the Lease and Agreement (the "Lease"), to be entered into by and between the Authority and the Municipality, which Lease has been approved by the Authority and which is attached hereto as Exhibit A, providing for the acquisition and leasing of certain police and/or passenger vehicles from the Authority, which police and/or passenger vehicles are described in Exhibit B attached hereto and incorporated by reference herein. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Lease.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. Pursuant to section 78 of the County Improvement Authorities Law, N.J.S.A. 40:48-1 et seq., the Municipality is hereby authorized and directed to enter into and perform the Lease, which Lease provides for the leasing of certain police and/or passenger vehicles acquired with the proceeds of County-Guaranteed Capital Equipment and Improvement Revenue Bonds, Series 2014 (the "Bonds") to be issued by the Authority under a resolution of the Authority to be adopted by the Authority entitled, "Resolution of the Middlesex County Improvement Authority Authorizing the Issuance of County-Guaranteed Capital Equipment and Improvement Revenue Bonds" (the "General Bond Resolution"). The Lease, in the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the Municipality), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Municipality and bond counsel to the Authority and the County.

Section 2. The full faith and credit of the Municipality are hereby pledged to the punctual payment of the obligations set forth in the Lease authorized by this ordinance, including without limitation, (i) all Basic Rent and Rent obligations of the Municipality under the Lease, including Authority Administrative Expenses and Additional Rent, (ii) all amounts due and owing to the County as a result of payments made by the County on behalf of the Municipality under the Lease pursuant to the County Guarantee, including County Guarantee Costs and (iii) all direct and indirect costs of the Authority and the County related to the enforcement of the Lease and the County Guarantee ((i), (ii) and (iii) collectively, the "Lease Payment Obligation"). The Lease Payment Obligation under the Lease shall be a direct, unlimited and general obligation of the Municipality, not subject to annual appropriation by the Municipality pursuant to the County Improvement Authorities Law, and unless paid from other sources, the Municipality shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Municipality for the payment of the Lease Payment Obligation thereunder without limitation as to rate or amount.

The Mayor or other Authorized Municipal Representative (as defined in the Lease) is hereby authorized and directed to execute the Lease on behalf of the Municipality in the form as attached hereto in Exhibit A and the Clerk of the Municipality is hereby authorized and directed to attest to such signature and affix the seal of the Municipality thereto and the Lease is authorized to be delivered to the Authority. All representatives, officials and employees of the Municipality are hereby authorized and directed to enforce and to implement provisions of the Lease.

Section 3. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum Lease Payment Obligation for which the Municipality shall be obligated hereunder, which, *inter alia*, will be used for the payment of principal of and interest on the Bonds of the Authority shall not exceed the sum necessary to (a) acquire the Municipality's police and/or passenger vehicles described in Exhibit B attached hereto which will be subject to the Lease, (b) pay interest on the Authority's Bonds allocated to the Municipality and used to acquire the Municipality's police and/or passenger vehicles, and (c) pay the Municipality's share of the costs of issuance, Authority Administrative Expenses, Additional Rent, County Guarantee

Costs and all other amounts required to be paid by the Municipality under the Lease.

(2) The Bonds shall mature within five (5) years from the date of issue.

(3) The Lease Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the Municipality under the Lease have been satisfied, notwithstanding the occurrence of any other event, including but not limited to the termination of the Lease with respect to some or all of the police and/or passenger vehicles leased thereunder.

(4) The police and/or passenger vehicles described in Exhibit B are hereby approved to be leased from the Authority in accordance with the terms of the Lease, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

Section 4. To the extent the Municipality is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the Municipality hereby agrees to comply with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Lease. The Mayor, Clerk, Chief Financial Officer or other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Official Statement of the Authority and the preliminary form thereof to the extent the information contained therein relates to the Municipality and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of the Municipality on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 5. The Mayor, Clerk, Chief Financial Officer or Authorized Municipal Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Lease, the leasing of the police and/or passenger vehicles which is to be the subject of the Lease and all related transactions contemplated by this ordinance.

Section 6. Upon the payment of all amounts referenced in Section 3(3) herein, the full faith and credit pledge of the Municipality as to its Lease Payment Obligations authorized herein shall cease to exist.

Section 7. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

Section 8. This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

EXHIBIT B

Middlesex County Improvement Authority

2014 Capital Equipment and Improvement Financing Program

Project List
Middlesex Borough

<u>Project</u>	<u>Quant.</u>	<u>Est. Cost</u>	<u>Useful Life</u>
<u>FIVE YEAR PROJECTS</u>			
<u>Loan</u>			
Walk Behind Mowers	2	\$12,000.00	5 Years
Seeder	1	\$11,000.00	5 Years
Double Trailer-Mowers	1	\$6,000.00	5 Years
Trailer for New Field Machine	1	\$5,000.00	5 Years
New Snow Blowers	1	\$1,500.00	5 Years
Mason Dump Truck	1	\$47,000.00	5 Years
Salt Spreader	1	\$8,000.00	5 Years
Brine Making System	1	\$29,000.00	5 Years
Generator for Small Pump Stations	1	\$75,000.00	5 Years
Sanitation Truck Lease Program	1	\$64,500.00	5 Years
Police Handguns & Holsters Replacement	1	\$20,000.00	5 Years
Police Shotguns	1	\$9,500.00	5 Years
Police CAD/RMS Systems	1	\$178,500.00	5 Years
Fire Turnout Gear	1	\$42,000.00	5 Years
Fire Power Breezer Cooling Fan Rehab	1	\$4,190.00	5 Years
Computer Data Services - Camera System	1	\$95,000.00	5 Years
Administration - Stream Cleaning	1	\$25,000.00	5 Years
Library - HVAC System Replacement	1	\$100,000.00	5 Years
Rescue Squad A/C Unit	1	<u>\$30,135.00</u>	5 Years
Subtotal		\$763,325.00	
<u>Lease</u>			
Pick-up Truck Replacement for OEM	1	\$80,000.00	5 Years
Senior Service Bus Purchase	1	<u>\$45,000.00</u>	5 Years
Subtotal		\$125,000.00	
Five Year Projects Subtotal:		\$888,325.00	
<u>TEN YEAR PROJECTS</u>			
None	0	<u>\$0.00</u>	10 Years
Ten Year Projects Subtotal:		\$0.00	
<u>FIFTEEN YEAR PROJECTS</u>			
None	0	<u>\$0.00</u>	15 Years
Fifteen Year Projects Subtotal:		\$0.00	
<u>TWENTY YEAR PROJECTS</u>			
None	0	<u>\$0.00</u>	20 Years
Twenty Year Projects Subtotal:		\$0.00	

Loan Total:	\$763,325.00
Lease Total:	<u>\$125,000.00</u>
Total Borrowing:	<u>\$888,325.00</u>

Council President Kaplan made a motion for introduction seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

ADOPTION OF MINUTES

Council President Kaplan made a motion to approve the July 15, 2014 Regular and Executive Meeting Minutes seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. No: None. Abstain: None.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - A. Council President Kaplan made note that our Construction Official/Building Sub-Code Official resigned to take a full time job in Bound Brook. Council President Kaplan stated that we have reached out to surrounding towns to help temporarily and the committee will review resumes to fill the vacant positions.
2. Recreation/Recreation Fields/Water & Light
 - A. Councilman Greco had a request from the Swim Pool Commission for temporary one side parking on Market Street during swim pool construction.
3. Fire/OEM/Board of Health/Rescue Squad/Flood
 - A. Councilman Dotey moved to accept the resignation of Greg Macher from the Middlesex Fire Department seconded by Council President Kaplan and carried by a unanimous vote of Council.
 - B. Councilman Dotey had a request from the Fire Department to have the two new fire trucks attend a convention in Wildwood. Councilman Dotey stated that the company that sold us the trucks will provide two CDL to drive the trucks, insurance to cover the vehicles, service on both trucks, inventory prior and after the trucks leave for Wildwood, and letter of insurance coverage. Councilman Kaplan made a motion to approve the 2 new fire trucks attend the convention seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Greco, Dotey, Kaplan, Schueler and Tackach. No: None. Abstain: None
 - C. Councilman Dotey updated the members on the council regarding the AM Radio Station stating that Ryan Zittel our IT Project Mgr. is working on trying to get the station repaired as this is a federal requirement to have an emergency system to alert the public.

4. Public Works/Parks/Sanitation/Recycling
 - A. Councilman Schueler reported that the two pads for the baseball field have been poured. DPW started work on the bleachers for girls' softball.
 - B. The DPW is hiring three temporary stream cleaning employees tonight to continue with cleanup along the brooks.
 - C. Bound Brook Pump Station project is moving along and we should save money as these new pumps are highly efficient.
 - D. Councilman Schueler requested that the council approve having the DPW help setup and cleanup for the Fall Festival on October 10th and the evening of October 11th after the event and for cleanup and teardown after the Fire Department wet down on Saturday, August 16th. The cleanup would require 3 or 4 employees for 2 or 3 hours for the Fire Dept. Wet down because we have a permit in the park on the next day.
 - D. Councilman Schueler is reviewing the garbage ordinance and has concerns with keeping the Hazardous Waste in the ordinance (especially broken glass). Councilman Schueler stated it might be more effective to put it out in a separate container and get more info to the public through education.
 5. Police/Legal/Code Enforcement/Construction/Municipal Court – Councilwoman Jenkins was absent.
 6. Administration/Department of Senior Services/Legislation/Licensing – Nothing to Report
-

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2014(S)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is desirous of removing Resolutions #198-14, Resolution #203-14, Resolution #205-14 and Resolution #210-14 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #199-14 – Resolution #202-14

Resolution #204-14

Resolution #206-14 - Resolution #209-14

Resolution #211-14

Councilman Greco made a motion for approval seconded by Council President Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #199-14

WHEREAS, The State of New Jersey Department of Transportation has conducted a survey to inventory all bus stops along State and US Routes in New Jersey; and

WHEREAS, based upon the engineering investigation and review by the Traffic Engineering Bureau (Regulations) the following locations have been recommended for approval:

- (1) Route NJ 28, eastbound on the southerly side at Fourth Street – (near side) – Beginning at the westerly curb line of Fourth Street and extending 105 feet westerly therefrom.
- (2) Route NJ 28, eastbound on the southerly side at First Street – (near side) – Beginning at the westerly curb line of First Street and extending 105 feet westerly therefrom.
- (3) Route NJ 28, eastbound on the southerly side at South Lincoln Avenue – (near side) – Beginning at the westerly curb line of South Lincoln Avenue and extending 105 feet westerly therefrom.
- (4) Route NJ 28, westbound on the northerly side at Second Street – (near side) – Beginning at the easterly curb line of Second Street and extending 105 feet easterly therefrom.

WHEREAS, in order to legally establish the bus stops, the NJDOT must promulgate a Traffic Regulation Order, and therefore must receive a Resolution of Support from the governing body to begin this process; and

WHEREAS, the Police Chief and Supervisor of Public Works have reviewed the inventory of all bus stops along Route 28.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Governing Body hereby supports the above-referenced Bus Stop locations that are recommended by the NJDOT.

2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #200-14

The Mayor and Council hereby accept Patrolman Keith Orts' retirement effective August 1, 2014 and agreed to reimburse him the amount of \$34,339.76 for the following benefits.

29 Unused Vacation Days	\$11,189.36
480 Hours Compensation Time	\$23,150.40
TOTAL	\$34,339.76

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #201-14

WHEREAS, Police Officer George Pilesky is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On July 24, 2014 Chief Young recommended Police Officer George Pilesky be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer George Pilesky be and is hereby advanced in grade to Patrolman Class "F" effective August 15, 2014 at an annual salary \$57,841.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #202-14

The governing body hereby hires Kenneth Pukas, Jr., 432 Lorraine Avenue, Middlesex, NJ as permanent part time employee for the Department of Public Works at \$12.00 per hour for 28 hours per week, effective August 18, 2014, pending a satisfactory background and physical.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #204-14

WHEREAS, Prestige Environmental, Inc., on behalf of Pumping Services, Inc. is providing a copy of the Temporary Discharge Approval Application for Groundwater Remediation Control at Pumping Services Inc. in Middlesex to be submitted to the Middlesex County Utilities Authority (MCUA); and

WHEREAS, Prestige Environmental, Inc., on behalf of Pumping Services, Inc. is seeking MCUA's approval to discharge the treated water generated by these activities to the MCUA treatment plant via the Middlesex Borough's wastewater collection system; and

WHEREAS, Prestige Environmental, Inc., on behalf of Pumping Services, Inc. is required to renew this Temporary Discharge Approval Application for Groundwater Remediation Control and have the Borough's approval on a yearly basis; and

WHEREAS, the Borough is requiring that Prestige Environmental, Inc., on behalf of Pumping Services, Inc. be required to submit a copy of their monthly discharge monitoring report, along with a copy of all previous reports that were issued under this permit to the attention of the Middlesex Borough's Finance Office.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. Middlesex Borough hereby approves the execution of the Middlesex County Utilities Authority Temporary Discharge Approval Application for the Groundwater Remediation Control and approves Prestige Environmental, Inc., on behalf of Pumping Services, Inc., to discharge the treated water generated by these activities to the MCUA treatment plant via the Middlesex Borough's wastewater collection system pending the requirements above.
2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #206-14

WHEREAS, on 02/09/12, Core Environmental Service applied to the Construction Office for a Building permit at 213 Beechwood Avenue; and

WHEREAS, Core Environmental Service submitted \$150.00 in payment of said Building Permit number 2012-077; and

WHEREAS, on 02/09/12, due to an error in the application process, Core Environmental Service submitted was overcharged for his permit \$75.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$75.00 in favor of Core Environmental Service for his permit number 2012- 0077.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #207-14

The Tax Collector is hereby authorized to amend 4th quarter 2014 taxes on block 52, Lot 23, 307 Second Street The homeowner has been declared a 100% disabled veteran by the Division of Veterans Affairs effective June 5, 2014 (the date of purchase). This is a two-family house. The homeowner is allowed a 100% disability benefit on the portion of the home that he resides. The 4th quarter of 2014 will be reduced from \$1,899.11 to \$22.36. There was an overpayment on the 3rd quarter that has been partially transferred to the 4th quarter.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #208-14

The Tax Collector is hereby authorized to refund 2nd quarter 2014 taxes in the amount of \$1,493.61, refund 3rd quarter 2014 taxes in the amount of \$1,618.03, cancel 4th quarter 2014 taxes in the amount of \$1,618.03 and cancel 1st & 2nd quarter 2015 taxes in the amount of \$3,145.60 on block 78, lot 5, 17 Louis Avenue. The homeowner has been declared a 100% disabled veteran by the Division of Veterans Affairs effective April 3, 2014.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #209-14

The Tax Collector is hereby authorized to amend 3rd & 4th quarter 2014 taxes based on a Middlesex County Board of Taxation judgment on the following property:

BLOCK/LOT

NAME & ADDRESS

AMOUNT

108/15	Nielsen, June & Koerner, Kurt A 363 Union Avenue	\$2,807.80 old 3 rd \$1,600.49 new \$2,807.80 old 4 th \$1,600.48 new
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The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #211-14

The Governing Body hereby hires the following DPW temporary employees for stream cleaning effective August 18, 2014 for 28 hours per week at \$12.00 per hour for approximately 15 weeks.

Richard C. Worth
317 Walnut Street
Middlesex, NJ 08846

Preston Forster
521 Cook Avenue
Middlesex, NJ 08846

Nicholas John Coble
424 Cook Avenue
Middlesex, NJ 08846

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #198-14

The governing body accepts the resignation of Jim Ayotte as Middlesex Borough Construction Official, Building, Fire and Resale Inspector effective August 7, 2014.

Council President Kaplan pulled this off the consent agenda to advise the council members who might not have been aware that Jim Ayotte left to go work in Bound Brook full time.

Council President Kaplan made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #203-14

The governing body hereby agrees to waive all permit fees to all aspects of the pool project as it is for a public purpose at the Middlesex Community Pool.

Councilman Schueler made a motion to amend the resolution to include wordage "to all aspects of the pool project as it is for a public purpose" seconded by Councilman Greco and carried as amended by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #210-14

The Purchasing Agent is recommending that the Borough switch the Group Life and AD&D policy from Prudential to UNUM. The Borough currently provides a \$10,000 policy on each employee. The cost is .260 per \$1,000. Prudential's cost is .3140 per \$1,000. UNUM is our provider from short and long-term disability. They would administer the Group Life and AD&D in conjunction with our existing disability policy.

Council President Kaplan reiterated the purchasing agents request as the Borough would be saving money on the employee life insurance policy and recommended moving forward on this resolution.

Councilman Greco made a motion for approval, seconded by Council President Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler, and Tackach. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #214-14

Anthony Alfano is hereby appointed as the Fire Sub-Code and Fire HHS Inspector for 6 hours per week @ \$35.00/hr. commencing on August 15, 2014

Council President Kaplan made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #216-14

Anthony Alfano is hereby appointed as the Acting Construction Official for 10 hours per week and as Acting Building Inspector for 1 hour per week @ \$35.00/hr. commencing on August 15, 2014.

Councilman Schueler made a motion for approval seconded by Council President Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #217-14

James Rinker is hereby appointed as the Resale Certificate Inspector for 4 hours per week @ \$26.00/hr. commencing on August 13, 2014. As the Resale Certificate Inspector Mr. Rinker will handle the following items:

1. Rails and guard on steps of three (3) risers or 30 inches.
2. Well Water and/or septic system report from the Health Department.
3. Water heater grounded (jump bonded) & discharge tube not to reduced and with six (6) inches of the floor.
4. Dryer vent pipe must be solid aluminum vent pipe – not flex pipe.
5. Anti-tilt device required on stove.
6. House numbers shall be visible from street.
7. Egress doors shall be readily open able from inside the dwelling without the use of a key or special knowledge or effort.
8. the Middlesex Resident Information Form for new owners and/or tenants must be brought to the Construction Office before certificate will be issued.

Councilman Dotey made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #212-14

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Councilman President Kaplan made a motion for approval, seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler, and Tackach. Nos: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS - NONE.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

Joanne Estrella, 300 Market Street stated that the addition of a new lap pool is 51 feet from her property. She stated that in a normal rainfall they have water up to their ankles and there is no drainage. She spoke with the DEP and there needs to be permits from them. Some other issues Mrs. Estrella had was that (1) Market Street was just repaved and now we are going to be put heavy equipment on the road, (2) The gate being opened causes cars to park on their lawns and if no parking they need to turn around to get out (safety issues), and (3) Why do they have to use Market Street for construction of the pool as one side of the street parking will cause issues.

Mayor Dobies asked that Council President Kaplan form a committee to address some of the concerns of the resident on Market Street and include members of the swim pool and police chief and to get in touch with Superintendent Linda Madison of Middlesex High School.

Judy Lynch, 359 Market Street stated that the gate being open is a safety issue for pedestrians. Vehicles come flying into Market and kids use this for easy access.

Jayne Caruso, 351 Market Street stated that her daughter almost got hit years ago. She wants an answer to why the gate was taken down after last year it was decided it is a safety issue. People swear at her and threaten to do bodily harm. She has three grown children and each has their own car. They work 6 days a week and have multiple jobs. They have to get in and out in the middle of the day. She is disabled and has to get out when she needs to. Why was the vote overturned?

Council President Kaplan asked that Councilman Greco and Councilman Schueler reach out to the Chief and find out if there are any incidents or accidents on the other side streets – Pearl, Milton, and Emma.

Joe Mazze, 355 Market Street stated that leaving the gate open is a safety issue and puts everyone at risk. In addition to having parking by his house, Mr. Mazze had a picture of underwear being left in front of his house. Mr. Mazze also questioned when the town will address the drainage issues at the end of Market. Mr. Mazze requested that the town install permanent fence and the gate on Market Street be removed.

Pete Wozniak, 1200 Sheridan Avenue stated that he read in the last minutes that the Army Corp of Engineers will be revisiting the landfill and asked if we received a copy of the site remediation report from the last time they were here. Mayor asked that the Borough Clerk get a copy to him.

Nelson Estrella, 300 Market Place thanked the council for putting together a meeting. He felt that they haven't made provisions for parking and that the high school parking lot is filled on Saturdays and now with a new lap pool going in where will we put these people. He questioned who was paying for the pool and feels that the town is jumping into the project with blinders on.

John Ellery, 701 Lincoln Blvd. handed out a letter with some key concerns regarding the sewer ordinance and wants a response within seven days in writing.

- (1) What is the status of the engineering firms' review of the ordinance?
- (2) Has the engineering company generated any report regarding this matter?
- (3) What are the engineering firms' proposed amendments to this ordinance?
- (4) How much has the engineering company been paid for the review and recommendations?
- (5) Why are the Council and mayor, having the knowledge that this is an illegal ordinance, not willing to sit down with the business community and resolve this issue? This has been going on since January 7, 2014, at total of eight months, with a total of 14 council meetings, and nothing has been accomplished, let alone resolved, except wasting time and taxpayer's money?

Mayor Dobies addressed all questions from the Public. Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #213-14

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Salary/Administration

2. Administrator
3. DPW Grievance
4. Contract Negotiations – 150 Lincoln Boulevard Urban Renewal, LLC – Redevelopment Agreement and Agreement for Payment in Lieu of Taxes

Council President Kaplan made a motion for approval seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler, and Tackach. No: None. Abstain: None.

Councilman Greco moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by the following roll call vote.

ROLL CALL

Mayor	Ronald Dobies	Left the Meeting
Council President	Sean Kaplan	
	Kevin Dotey	
	Stephen Greco	
	Patricia Jenkins	Absent
	Bob Schueler	
	Michele Tackach	

Attorney: Aravind Aithal

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #215-14

Rob Klein is hereby appointed as Acting Building Sub-Code Official/Building Inspector for 12 hours per week (2 evenings during the week 4 hours per night and four hours on Saturday) @ \$33.00/hr. for approximately one month commencing on August 14, 2014.

Councilman Schueler made a motion for approval seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

ADJOURNMENT

Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Greco and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk